IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 15816 of 2004(G)

PETITIONER:

SRI.M.A. FIROS KHAN,
MANTHARAKKAL HOUSE, THAYIKKATTUKARA P.O.,
ALUVA.

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY LOCAL ADMINISTRATION,
   TRIVANDRUM.

2. **CHOORNIKKARA GRAMA PANCHAYATH**
   REPRESENTED BY THE SECRETARY,
   CHOORNIKKARA GRAMA PANCHAYATH OFFICE,
   THAYIKKATTUKARA P.O., ALUVA.

3. **K.A. AHAMEDUNNI, KUNNAMPURATH HOUSE,**
   THAIKKATTUKKARA P.O., ALUVA.

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR for R1
BY ADV. SRI.P.K.MANOJKUMAR for R2
SRI.SAJI JACOB PALATTY for R3
SRI.G.FANY PALLAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.15816/2004 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE JUDGMENT IN O.P.NO.6315/2003 DTD. 2/04/2004 OF THE HONOURABLE HIGH COURT OF KERALA.

EXT.P2: COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DTD. 29/04/2004.

EXT.P3: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT PANCHAYATH DTD. NIL.

EXT.P4: COPY OF THE NOTICE DTD. 18/10/2004 ISSUED BY THE PANCHAYATH.

EXT.P5: COPY OF THE REPRESENTATION DTD. 20/10/2004 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT PANCHAYATH.

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH J.

W.P.(C) No.15816 of 2004

Dated 13th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus directing the 2nd respondent to issue licence to the petitioner to conduct a Soda Manufacturing SSI unit in building No.VII/37 of Choornikkara Grama Panchayat."

It is seen from Ext.P2 that the application was rejected on the ground that the consent of the owner of the building had not been produced. It is now settled law, in view of the decision of this Court in **Marimuthu v. Director General of Police** (1999(3) KLT 662) that the consent of the landlord is not necessary for the renewal of the licence. Therefore, there will be a direction to the Panchayat to ignore the said objection and consider the application for licence. The status quo obtaining in the matter will continue till orders are passed by the Panchayat as above.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 13th July, 2007.